

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. CR 10-01761 JB
No. CV 14-00894 JB/CG

WILLIS J. YAZZIE,

Defendant/Movant.

ORDER DENYING MOTION FOR RECONSIDERATION

THIS MATTER is before the Court on Defendant Willis Yazzie's *Motion for Reconsideration for Denying Motion for Discovery*, (CR Doc. 229), filed August 15, 2016. On July 11, 2016, Mr. Yazzie filed a *Motion for Discovery and Inspection*, seeking discovery of information in connection with his 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence. (CR Doc. 227, CV Doc. 35). The Court denied Mr. Yazzie's *Motion for Discovery and Inspection* by Memorandum Opinion and Order entered July 29, 2016. (CR Doc. 228, CV Doc. 36). Mr. Yazzie now files this Motion seeking reconsideration of that denial. (CR Doc. 229).

Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir.1995). A motion for reconsideration is proper where the court has clearly misapprehended the facts, a party's position, or the controlling law, but is not appropriate to revisit issues already addressed in prior filings. *See Van Skiver v. United*

States, 952 F.2d 1241, 1243 (10th Cir.1991); *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000).

Mr. Yazzie's Motion for Reconsideration does not rely on an intervening change in the law, does not disclose any previously unavailable evidence, and does not present any need to correct clear error or manifest injustice. Instead, Mr. Yazzie seeks to reargue the same issues presented and ruled on by the Court. (CR Doc. 228, CV Doc. 36). Therefore, the Court denies Mr. Yazzie's *Motion for Reconsideration for Denying Motion for Discovery*, (CR Doc. 229). See *Van Skiver*, 952 F.2d at 1243; *Servants of Paraclete*, 204 F.3d at 1012.

IT IS THEREFORE ORDERED that Willis J. Yazzie's *Motion for Reconsideration for Denying Motion for Discovery*, (CR Doc. 229) is **DENIED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE